

Response to Restriction Requirement
Ser. No. 09/707,335

Group I: Claims 16-24, drawn to delivering weather information based on a request and delivering other content by a first entity at a first Internet site in a partner relationship with a plurality of other entities, classified at least in Class 705, Subclass 26.

Group II: Claims 1-10, 11-15, 38-43 and 44-47.

Group II(a): Claims 1-10, 11-15, 38-43, drawn to delivering other content over the network based on local weather conditions, classified in Class 705, Subclass 14.

Group II(b): Claims 44-47, drawn to delivering other content, i.e., issuing commands to consumer devices, classified at least in Class 340, Subclass 3.1.

Group III: Claims 62-68 and 48-61 drawn to the delivery of weather information over the network.

Group III(a): Claims 62-68 drawn to customized delivery of weather information based on a user request and indicated preferences classified at least in Class 705, Subclass 27.

Group III(b): Claims 48-61 drawn to delivering weather information comprising parsing the weather data from the weather data feed, tagging the parsed weather data with a plurality of tags according to a set of defined parsing rules, and storing the tagged and parsed weather data in modular units,

classified at least in Class 707, Subclass 100.

It is respectfully submitted that the restriction requirement is erroneous and it is requested that the restriction requirement be withdrawn.

The Examiner alleged that Group I is a combination and that Group II(a), Group II(b), Group III(a) and Group III(b) are subcombinations thereof. A combination is an organization of which a subcombination or element is a part. MPEP 806.05(a). It is submitted that the claims in Group II and Group III are not subcombinations of the claims in Group I because the claims in Groups II and III are not necessarily a part of the claims in Group I.

The Examiner alleged that the claims in Groups II and III are related as subcombinations disclosed as usable together in a single combination. Although it is unclear from the Office Action, the undersigned assumes that the Examiner is alleging that Groups II and III are subcombinations of Group I. As discussed in more detail above, the claims in Groups II and III are not subcombinations of the claims in Group I.

The Examiner alleged that the claims in Group II(a) and Group II(b) are related as a combination and subcombination. There are a number of common elements shared by the claims in Group II(a) and Group II(b). Although Claim 38 associates a recommendation with a trigger and Claim 44 associates a command with a trigger, other elements of the claims are similar. Thus, it is submitted that there would be significant overlap in the search and examination of these claims and that restriction between these claims is improper.

The Examiner has alleged that Group III(b) is a subcombination of the combination of Group III(a). The claims in Group III(b) are not a subcombination of the claims in Group III(a) because independent Claim 48 is not necessarily a part of independent Claim 62. For example, Claim 62 includes the elements of storing

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consumer preferences so that weather information presented to the consumer is customized based on the consumer's preferences. Claim 48 recites the elements of storing tagged and parsed weather data and transmitting modular units of tagged and parsed weather data over the network to consumers. However, Claim 48 does not require the storing of consumer's preferences and Claim 62 does not require parsing and tagging weather data.

It is noted that this application has already been searched prior to the issuance of the outstanding restriction requirement. Although recent amendments have been made to the claims, it is submitted that there will be no undue burden on the Examiner for continuing to allow all of the claims to remain copending. However, if the Examiner maintains the restriction requirement, it is submitted that the current restriction requirement is too restrictive and it is requested that a new restriction requirement be issued.

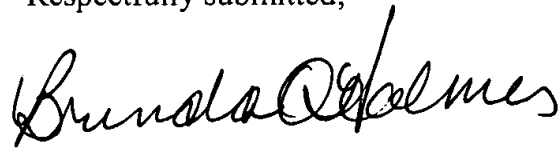
As discussed in more detail above, it is asserted that the claims in Group II(a) and Group II(b) represent a single group, and this single group is elected with traverse.

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CONCLUSION

The undersigned attempted to contact the Examiner to discuss the restriction requirement. However, the Examiner was unavailable, and thus this written reply has been submitted. If there are any issues that can be resolved via a telephone conference, the Examiner is invited to contact Brenda Holmes at 404.685.6799.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brenda O. Holmes", is written over a horizontal line.

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